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Title 2 —Federal Financial Assistance
Subtitle A —Office of Management and Budget Guidance for Federal Financial Assistance
Chapter II —Office of Management and Budget Guidance
Part 200 —Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Authority: 31 U.S.C. 503; 31 U.S.C. 6101-6106; 31 U.S.C. 6307; 31 U.S.C. 7501-7507.
Source: 89 FR 30136, Apr. 22, 2024, unless otherwise noted.

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of $10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be

prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding $100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See § 200.323.

(K) See § 200.216.

(L) See § 200.322.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014; 85 FR 49577, Aug. 13, 2020]

OFFICE OF PLANNING AND BUDGET

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Governor

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State Fiscal Recovery Funds

Post Award Frequently Asked Questions

This document contains answers to frequently asked questions OPB has received regarding the State Fiscal Recovery Grant Program and the post award process. Applicants should refer to the US Department of Treasury Final Rule and corresponding Final Rule FAQs, as well as the OPB website for links to federal guidance and OPB resources for grantees.

DISCLAIMER: This document is intended to serve as a guide to the grant application process for prospective applicants seeking grant funding from Georgia's allotment of the Coronavirus State Fiscal Recovery Fund (CSFRF). This guidance is not intended to address eligible uses of CSFRF and is not exhaustive, binding, or final. The U.S. Treasury continues to update its guidance. This federal guidance is binding upon the State as well as all grant recipients.

Expectations

General expectations include but are not limited to understanding and following the rules and regulations outlined for CSFRF in:

- Department of US Treasury Final Rule;
- Department of US Treasury Final Rule FAQs;
- Policy Requirements including 2CFR 200 ;
- OPB's Program, Reporting, and Compliance Requirements as well as the Terms & Conditions Agreement for the respective grant award; and
- The grantee's own organizational policies and procedures.

Additionally, as a grantee, you are required to:

- Fulfill the project expectations of your award;
- Ensure financial and performance benchmarks are met; and
- Strictly adhere to your project's objective, budget, and timeline.

Uniform Guidance

The following 2 C.F.R. policy requirements apply to 21.027 assistance listing for Coronavirus State and Local Fiscal Recovery Funds (*CSLFRF or SLFRF*), Coronavirus State Fiscal Recovery Fund (CSFRF) and Coronavirus Local Fiscal Recovery Fund (*CLFRF or LFRF*):

• Subpart B, General Provisions;

• Subpart C, Pre-Federal Award Requirements and Contents of Federal Awards;

• Subpart D, Post Federal; Award Requirements;

• Subpart E, Cost Principles; and

• Subpart F, Audit Requirements.

(The following guidance has been taken from the US Department of Final Rule FAQ as of April 27, 2022 **https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-FAQ.pdf**)

1. **(13.1) What provisions of the Uniform Guidance for grants apply to these funds? Will the Single Audit requirements apply? (US Department of Treasury FAQ 13.1)**
   "Most of the provisions of the Uniform Guidance (2 C.F.R. § 200) apply to this program, including the Cost Principles and Single Audit Act requirements. Recipients should refer to the Assistance Listing for detail on the specific provisions of the Uniform Guidance that do not apply to this program. The Assistance Listing will be available at https://sam.gov/fal/7cecfdef62dc42729a3fdcd449bd62b8/view. For information related to Single Audit requirements specifically, please refer to the Compliance Supplement materials released by the Office of Management and Budget."

2. **Do federal procurement requirements apply to SLFRF? (US Department of Treasury FAQ 13.2)**
   " Yes. The procurement standards for federal financial assistance are located in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. § 200.317 through 2 C.F.R. § 200.327 and apply to procurements using SLFRF funds. Pursuant to 2 C.F.R. § 200.317, recipients that are non-state entities, such as, metropolitan cities, counties, non-entitlement units of local government, and Tribes must comply with the procurement standards set forth in 2 C.F.R. § 200.318, through 2 C.F.R. § 200.327, when using their SLFRF award funds to procure goods and services to carry out the objectives of their SLFRF award. States, the District of Columbia, and U.S. Territories must follow their own procurement policies pursuant to 2 C.F.R. § 200.317, as well as comply with the procurement standards set forth at 2 C.F.R. § 200.321 through 2 C.F.R. § 200.323, and 2 C.F.R. § 200.327 when using their SLFRF award funds to procure goods and services to carry out the objectives of their SLFRF award. See also SLFRF Award Terms and Conditions. Recipients are prohibited from using SLFRF funds to enter into subawards and contracts with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs. See 2 C.F.R. § 200.214. Moreover, a contract made under emergency circumstances under the Coronavirus Relief Fund (CRF) cannot automatically be transferred over to SLFRF. These programs are subject to different treatment under the Uniform Guidance. Under the CRF program, recipients are permitted to use their own procurement policies to acquire goods and services to implement the objectives of the CRF award. Under the SLFRF program, recipients are required to follow the procurement standards set out in 2 C.F.R. § 200.(Uniform Guidance) pursuant to the SLFRF Award Terms and Conditions executed by the recipients in connection with their SLFRF awards."

3. **What is the threshold for competitive bidding for my government? (US Department of Treasury FAQ 13.3)**

"As stated above, recipients are required to comply with the procurement standards set forth in 2 C.F.R. § 200.317 through 2 C.F.R. § 200.327 of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Pursuant to 2 C.F.R. § 200.317, States, the District of Columbia, and U.S. Territories should refer to the competitive bidding thresholds described in their own procurement policies and procedures. Other non-federal entities, such as metropolitan cities, counties, non-entitlement units of local government, and Tribes must adhere to the competitive bidding thresholds set forth in 2 C.F.R. § 200.320 for the relevant procurement methods.

2 C.F.R. § 200.320 describes methods of procurement based on two procurement thresholds:: the Micro purchase threshold (MPT) and the Simplified Acquisition Threshold (SAT).

- **Micro-purchase threshold (MPT) - 2 C.F.R. § 200.320(a)(1):** Purchase of supplies and services for a price below the MPT, currently set at $10,000, are not required to be solicited competitively. However, there are circumstances when a recipient may have a MPT that is greater than $10,000. For example, all non-Federal entities may increase their MPT up to $50,000 if they follow the protocols described in 200.320(a)(1)(iv). Additionally, nonfederal entities such as metropolitan cities, counties, non-entitlement units of local government, and Tribes may use their own MPT if they follow the protocols described in 200.320(a)(1)(iv).

  Simplified Acquisition Threshold (SAT) - 2 C.F.R. § 200.320(a)(2): Purchases of property and services at a price above the recipient's MPT and below the SAT, currently set at $250,000, may be made following the small purchase procedures described in the definition of SAT in 2 C.F.R. §200.1 and 2 C.F.R. § 200.320(a)(2). Procurement of property and services at a price above the SAT must follow the formal procurement methods outlined in 2 C.F.R. § 200.320(b)."

4. **Can a recipient prequalify firms for projects funded with SLFRF? (US Department of Treasury FAQ 13.4)**

"The Uniform Guidance permits recipients to use prequalified lists of persons, firms, or products so long as a list is current and includes enough qualified sources to ensure maximum open and free competition. The Uniform Guidance does not specifically define the term "current" for purposes of 2 C.F.R. § 200.319(e), and Treasury has not adopted additional guidance regarding this requirement as it applies to the SLFRF. As such, recipients must determine when a prequalified list would be sufficiently current, and a recipient must not preclude potential bidders from qualifying during the solicitation period. See 2 C.F.R. § 200.319(e).

Furthermore, recipients may not utilize this provision to avoid conducting their procurement transactions in a manner that provides for full and open competition. Recipients should be

mindful that other provisions of the Uniform Guidance inform the procurement requirements. For example, metropolitan cities, counties, non-entitlement units of local government, and Tribes must have and use documented procurement procedures, consistent with binding State, local, and Tribal laws and regulations. See.2 C.F.R. § 200.318(a)."

5. **Where can one find the most current information on assuring minority owned businesses are included in the awards process? (US Department of Treasury FAQ 13.5)**
   "The most up-to-date information on assuring that minority-owned businesses are included in the procurement process is located in 2 C.F.R. § 200.321, Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms."

6. **Is there certain language that needs to be included in a bidding package? (US Department of Treasury FAQ 13.6)**
   "Treasury does not require that there be specific language included in bidding packages, but SLFRF recipients must ensure all contracts made with SLFRF award funds contain the applicable contract provisions listed in 2 C.F.R. § 200, Appendix II."

7. **Are recipients allowed to leverage existing contracts? (US Department of Treasury FAQ 13.7)**
   "Recipients may leverage existing contracts for SLFRF activities if the existing contracts conform to the procurement standards in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 C.F.R. § 200 (Uniform Guidance). States, the District of Columbia, and U.S. Territories must follow their own procurement policies pursuant to 2 C.F.R. § 200.317 as well as comply with the procurement standards set forth at 2 C.F.R. § 200.321 through 2 C.F.R. § 200.323, and 2 C.F.R. § 200.327. All other recipients must follow 2 C.F.R. § 200.318, General procurement standards, through 200.327, Contract provisions."

8. **Would an interlocal agreement—an agreement entered into between governments to effectuate an eligible use of the funds—or a cooperative purchase agreement need to be bid out? (US Department of Treasury FAQ 13.8)**
   "States, the District of Columbia, and U.S. Territories must follow their own procurement policies pursuant to 2 C.F.R. § 200.317 as well as comply with the procurement standards set forth at 2 C.F.R. § 200.321 through 2 C.F.R. § 200.323, and 2 C.F.R. § 200.327. All other recipients must follow 2 C.F.R. § 200.318, *General Procurement Standards*, through § 200.327*, Contract Provisions*. Recipients should consult the applicable procurement standards or policies to determine whether a cooperative purchase agreement must be bid out. Information on when competition is required and when exceptions to competition are permitted are located in 2 C.F.R. § 200.319, *Competition*, and 2 C.F.R. § 200.320, *Methods of Procurement to be Followed*.

   It is permissible for recipients to use interlocal agreements but procurement standards set forth in the Uniform Guidance may still apply."

9. **How is a "contract" different than a "subaward? (US Department of Treasury FAQ 13.9)**
   "The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 C.F.R. § 200 (Uniform Guidance) provides definitions for "contract" and "subaward." A contract is a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a federal award. A subaward is distinct from a contract in that a subaward is an award provided by a recipient of a federal award to a subrecipient to carry out part of a federal award on behalf of the recipient. Recipients may make subawards through any form of legal agreement, including an agreement that the recipient considers a contract. See 2 C.F.R. § 200.331 for more information on the differences between contracts and subawards."

10. **What other background laws must recipients comply with? (US Department of Treasury FAQ 13.10)**
    "SLFRF recipients must comply with all laws outlined in the SLFRF Award Terms and Conditions that the recipients accepted in connection with their SLFRF award and all other applicable executive orders, federal statutes, and regulations in carrying out their SLFRF award. Recipients must also provide for such compliance by other parties in any agreements it enters into with other parties relating to the award. The award terms listed specific statutes and regulations that apply to the award, but the award terms made clear that these lists were not exclusive. Particularly in the case of the SLFRF, it's not possible to enumerate the full list of federal statutes, regulations and executive orders that may be applicable to the award given that the range of eligible uses of funds is so broad, including the provision of government services."

11. **How does Treasury treat program income? (US Department of Treasury FAQ 13.11)**
    "Per 2 C.F.R. § 200.307, Treasury is specifying here that recipients may add program income to the Federal award. Any program income generated from SLFRF funds must be used for the purposes and under the conditions of the Federal award. Program income includes but is not limited to income from fees for services performed, the use or rental of real or personal property acquired under federal awards, the sale of commodities or items fabricated under a federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with federal award funds. Interest earned on advances of federal funds is not program income. For more information on what constitutes "Program Income" please see 2 C.F.R. § 200.1."

12. **Does COVID-19 and the national emergency qualify as "exigency" as a special circumstance under 2 C.F.R. § 200.320 (c) in which a noncompetitive procurement can be used? If so, may a contract utilizing this special circumstance have a term that extends beyond the national emergency? For example, may a County execute a contract (without going through a competitive solicitation) immediately with a contractor to provide services with a term through the end of 2024, relying upon this special circumstance? (US Department of Treasury FAQ 13.12)**

"The COVID-19 public health emergency does not itself qualify as a "public exigency or emergency" under 2 C.F.R. § 200.320 (c). In other words, a recipient may not justify a noncompetitive procurement simply on the basis that the procurement is conducted during the public health emergency or that the project is in response to the public health emergency.

Instead, the recipient must make its own assessment as to whether in the case of a particular project there is a public exigency or emergency that "will not permit a delay resulting from publicizing a competitive solicitation."

Note: The Final Rule permits funds to be used to cover costs incurred beginning on March 3, 2021, and ending December 31, 2024**.**

Post Award

1. **What is the process to complete the award after award announcement?**
   All grantees must go through the post award onboarding process which includes the following:
   - Terms and Conditions Agreement Execution
   - Grants Management Portal Access
   - Vendor Management Set Up
   - Final Budget Approval

2. **What is the deadline to sign the terms and conditions agreement?**
   All terms and conditions (T&C) must be signed within 60 days of dissemination.

3. **What am I required to have prior to receiving payment?**
   All eligible payees are required to have a Unique Entity ID (UEI) as part of registration in addition to maintaining an active registration in the System for Award Management (SAM) (https://www.sam.gov). If the UEI is not active at the time of payment request, OPB cannot process your reimbursement for allowable activity. Additionally, Treasury requires the registration in SAM to be set to public. For instructions on how to update your profile, please check here.

   Eligible payees must have a bank account enabled for Automated Clearing House (ACH) direct deposit. To facilitate this requirement, grantees will be asked to complete the vendor management form as part of post award onboarding.

Budgets

1. **Am I required to submit a final budget for approval?**
   Yes, all budgets are required within 90 days of signing terms and conditions agreement and must include details on how the funds will be spent to the greatest extent possible. OPB may require final budgets be submitted prior to the 90 day timeframe for projects if the projects requires an more timely approval. Adequate detail should be provided in the budget narrative to justify the expense under the approved award.

   Through the Budget Detail Worksheet submission process, OPB seeks to obtain the greatest level

of detail available to support budgeted amounts. Budgeted amounts for construction costs included in Section 6) Contracts Consultants Subawards may be entered using a multi-line detailed approach, or as a single line dollar value. If a single line dollar value is utilized, it must be accompanied by a supplemental schedule (PDF or XLS) breaking down the budget estimate to its lowest available level of detail. The supplemental schedule should disclose whatever information serves as the basis for the estimate, may include narratives, and is expected to include unit prices, quantities, labor rates, labor hours, equipment rates, equipment hours, percentages, past project data, and / or any other major assumptions used to derive the budgeted amount.

More information regarding budget detail can be found on OPB's For Grantees website under the Important Documents section.

2. **How long does the budget approval process take?**
   All awards made under a competitive application process must submit a final budget for approval. The approval timeline depends on the communication needed between OPB Grants Division and the subrecipient with regards to any additional detail or justification. While infrastructure projects require a more complex validation process, OPB does not anticipate the approval process taking longer than 30 days from submission.

3. **Am I able to adjust my budget after submission?**
   Budget Adjustments are used to modify an approved budget to reallocate funds among the budget categories. The original award amount may not be increased by this procedure. A budget modification can only be initiated, when an award has a final clearance or an approved budget. More information on adjustments can be found here.

   A scope change should only be submitted after an initial final budget is approved. Your grant was awarded based on the components of your original application. Scope changes other than project location will not be considered until after an initial budget is approved. More information on scope changes can be found here.

Payment Request

1. **What type of payment method will awards made under State Fiscal Recovery Funds reimbursement be subject to?**
   All awards made under State Fiscal Recovery Funds will be cost reimbursement method of payment unless otherwise specified.

   Water/Sewer Infrastructure and Broadband Infrastructure awards may use a modified reimbursement method of payment.[i]

2. **What is the cost reimbursement method?**
   Under the Cost Reimbursement method of payment, the grantee is required to finance its

operations with its own working capital. OPB will release approved payments to reimburse the grantee for actual cash disbursements supported by adequate documentation. Costs are only reimbursed when they have been *incurred and paid.*

Under the modified reimbursement method for Water/Sewer Infrastructure and Broadband Infrastructure projects, OPB will release approved payments to reimburse the grantee for obligations (costs for orders placed for contracts and services by the vendor of a subrecipient) for work performed on infrastructure project or goods purchased and delivered that require payment, supported by adequate documentation. Costs are only reimbursed when services are completed and/or goods are received and previously modified reimbursements have been validated through supporting documentation for proof of payment.

3. **What do I need to receive a payment from a reimbursement request?**
In order to receive any payment, an awardee must be registered as a vendor with the state and provide information to accept electronic ACH payments. All costs, whether in the approved final budget or not must be necessary and reasonable for the performance of the award and meet the policy requirements under 2 CFR 200 to include § 200.320 procurement requirements and § 200.403 Factors affecting allowability of costs.

As a recipient of State Fiscal Recovery Funds, your organization will likely find it necessary to purchase or "procure" professional services, supplies or equipment, in order to complete the work under your SFRF awards. These purchases must meet the federal requirements contained in the Procurement Standards of the Uniform Grant Guidance (UGG) published at 2 CFR Part 200. In preparation for submitting payment requests, grantees should be prepared to provide documentation to support each transaction for which reimbursement is being sought. This includes but is not limited to documented procurement procedures for any of the procurement used for the acquisition of property or services required under the award or sub-award. It is imperative that grantees prepare this documentation in advance. Grantees may view the reference guide on supporting documentation here.

4. **How do I submit a request for reimbursement?**
    - Reimbursement requests, referred to as payment requests, will be submitted through the Georgia Grants Portal once all post award steps have been completed, and must include a payment request template. This template can be found under the important documents section of our For Grantees website https://opb.georgia.gov/covid-response/grantees
    - The payment emplate must be completed and submitted along with the required supporting documentation for each budget category for each payment request. Request missing a complete payment template will be sent back for revision.
    - Please ensure each request is submitted under the appropriate file type to ensure it is not returned for revision to include the comment/justification section.
    - We encourage grantees to submit one PA for similar requests. Any returns for revision that

may occur could cause processing delays for all other items submitted under one payment request. Instead, submitting individual payment request for similar budget line items will ensure a more efficient review and payment of allowable activity.

5. **What is the process for completing the payment request form?**
   A detailed video walk through is available under OPB's webinar and tutorials section of the For Grantees webpage. The GeorgiaGrants portal guide contains step by step text instructions on page 9.

6. **When can I submit for reimbursement?**
   Reimbursement requests may be submitted for review when your post award process is complete. This requires all grantees seeking reimbursement to have signed terms and conditions, a vendor location on file, an approved final budget, and a unique entity identifier that is active at the time of submission for reimbursement.

7. **How often can I submit reimbursement requests?**
   Reimbursements for eligible expenses outlined by the grant program should be submitted each month by the 30th for the preceding month.

8. **Costs incurred between March 3, 2021, and award date**
   SLFRF funds may only be used for costs incurred within a specific time period, beginning March 3, 2021. However, not all grant programs established by OPB under ARPA guidelines are eligible for reimbursement of costs dating back to March 3, 2021. For eligible programs[1], requests for reimbursement for allowable costs dating back to March 3, 2021, should be submitted with the initial payment request, but no later than 90 days from the award date. Any reimbursement requests submitted after the 90- day period for costs incurred between March 3, 2021, and the 90-day reimbursement period for these costs may be rejected by OPB. Any reimbursement requests submitted after the 90-day period for any program costs may be rejected by OPB.

9. **What documentation must I provide for a reimbursement request?**
   Supporting documentation is required for all payment requests and is needed for OPB to ensure compliance with allowable use of funds. Expenses must be necessary, reasonable, allocable, and allowable under the grant agreement. Grantees must maintain file copies of all documentation related to the grant including documents submitted to OPB.

   In preparation for submitting payment requests, subrecipients should be prepared to provide

[1] Subrecipients should refer to project period indicated on the terms and conditions agreement.

the following documentation to support each transaction for which you are seeking reimbursement:

- **Procurement policies:** Written policies documenting the means for how goods or services are acquired. Reference 2 CFR § 200.318(a). State agencies should follow Procurements by States under § 200.317.

- **Solicitation package:** A detailed package meant for distribution to procure for goods or services. Common items found within package include – bid form, qualifications, specifications for requested good or service, evaluation criteria, directions how to deliver bids and due dates.

- **Publication / Advertisements:** Evidence of the publication, advertisement and / or solicitation of bids in the form of website postings, newspaper advertisements, etc.

- **Proposals / Bid packages:** Proposals from all bidders, including qualifications, scope, approach, resumes, pricing schedules and other information submitted by offerors.

- **Bid Evaluations:** Quantitative and / or qualitative evaluations prepared by those charged with reviewing and scoring bid packages received from offerors.

- **Contracts and / or Purchase Orders (PO):** Terms and conditions of the subrecipient's agreement with each contractor, including schedules, pricing exhibits, amendments and other relevant documentation. Contracts and POs must include CFR *Appendix II* to Part 200.

- **Noncompetitive Procurement Justification (Sole Source):** To be utilized only when certain conditions exist and must include detailed explanations of said conditions, in addition to other justifications as outlined in OPB's Sole Source Justification Form. (See 2 CFR § 200.320(c)).

- **Self-certification of Increase to the Micro-purchase Threshold:** To be utilized only when certain conditions exist and must include detailed explanations of said conditions. Under some circumstances this threshold may be increased from $10,000 to $50,000 if certain conditions are met. (See 2 CFR 200.320(a)(1)(iv)).

- **Invoice:** Third party statement which lists good delivered or services rendered during the performance period. If full value of invoice is not being requested for reimbursement, subrecipients should specifically identify line items or portions being requested.

- **Payroll Register:** A system generated report which indicates personnel salary, wages and fringes paid by the entity. Pay period should be visible to ensure within the proper grant period. Calculations for partial reimbursement, if not evident on the register, should be provided to avoid delays in reimbursement. Timesheets, pay stubs and other evidence

must be made available upon request.

- **Proof of Payment:** Cancelled checks, bank statements, and / or an ACH authorization / remittance produced by the financial institution. Proof of payment should include contractor / employee name, payment date and amount. In the event a payment includes multiple invoices paid, a pay stub listing out all invoices paid will assist in ensuring tested invoice is included within payment. Evidence of payment is required for ALL transactions sought for reimbursement.

- **Proof of Compliance with State Environmental Review Process and Historic Preservation Documents:** Where applicable, these documents are required at the time of initial reimbursement request.

Failure to provide the supporting documents at the time of the reimbursement request will result in a return to the subrecipient for insufficient documentation, causing a delay in payment. It is crucial to the payment timeline to submit required documents.

10. **What procurement documents are needed specific to each acquisition level (micro, under $250, over)?**
    For micro-purchases, documentation evidencing the procurement action is not required. For purchases between the micro-purchase threshold and $250,000, price or rate quotations must be provided from an adequate number of sources (a minimum of 3, unless otherwise approved by OPB), and a copy of the executed contract with the contractor (including Appendix II) must be provided.

    For purchases in excess of $250,000 the following must be provided; evidence of public advertisement of the solicitation package, a copy of the solicitation package (RFP, RFQ, IFB, ITB, etc.), copies of all bids received, a copy of the bid leveling or analysis performed by the subrecipient, and a copy of the executed contract with the contractor (including Appendix II).

    Non-competitive purchases in excess of the micro-purchase threshold are only permitted when specific circumstances outlined in 2 CFR 200.320(c) apply, and must be accompanied by a completed sole source justification form on OPB's standard template found here: Non-Competitive Justification Form

11. **When is *Appendix II* expected to be included in a payment request?**
    Pursuant to 2 CFR 200.327, all of the non-Federal entity's contracts must contain the applicable provisions described in appendix II to this part. If your payment request contains payments related to contracts, applicable provisions of appendix II should be included in the contract within the payment request.

12. **What additional supporting documentation is required for modified reimbursement method payment requests?**
    In additional to the supporting documentation required for reimbursement requests, Water/Sewer Infrastructure and Broadband Infrastructure grantees must upload proof of payment to each contractor or vendor for the previous reimbursement request. Failure to

provide proof of payment to the contractor or vendor will result in a delay of processing payment requests until proof of payment for the reimbursement is delivered and approved.

Note: Subrecipients will be required to provide evidence of proper procurement of each contractor (even if the work was performed before March 3, 2021) pursuant to the requirements of 2 C.F.R. § 200 , which states in 200.318 (i):

"The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price."

13. **How do I track my request?**
    To check the status of your payment request in the portal, go to "My Grants" and select the "Payment Requests" tab. The statuses associated with process are as follows:

    - **Draft:** Payment request has not been submitted
    - **Submitted:** Subrecipient has submitted the payment request
    - **Review In Progress:** A reviewer is reviewing your documents
    - **Decision in Progress:** The request has been approved by the level 1 reviewer
    - **Approved:** The request has been approved by the level 2 reviewer
    - **Payment In Progress:** The request is in progress for payment.
    - **Payment Complete:** The payment has completed
    - **Return for Revision:** OPB has returned the payment request back to the subrecipient for revision.
    - **Rejected:** The payment request has been rejected

14. **How long do I have to revise a payment request?**
    Once submitted to OPB, the subrecipient can request a return to revise the request. However, if OPB requires a revision due to insufficient documentation or unallowable expenses, the subrecipient has two weeks to revise and resubmit. After two weeks, the request will be rejected and the subrecipient will need to resubmit the request.

15. **How long does the approval process take for payment requests?**
    The approval process depends on the details included in the supporting documentation attached to the payment request in the portal. For payment requests that are submitted with adequate documentation and justification, OPB does not anticipate the process taking longer than 30 days. Payment requests that do not contain adequate supporting documentation or justification will be returned for revision, causing delays in the payment approval process. Please refer to FAQ 7 under the Payment Request section of this document for further information.

16. **When will I receive the payment from my reimbursement request?**
    Once approved, please allow up to two weeks for the processing of the payment. This time varies from bank account to bank account and can be shorter in some instances. For payments taking longer than two weeks, please ensure that the bank account listed on your vendor management

form is correct. Subrecipients may contact grants@opb.georgia.gov to check the status of payment for requests taking longer than two weeks.

Environmental Review/Historic Preservation

1. **Are NEPA requirements applicable to State Fiscal Recovery Funds**
   No NEPA is not applicable to State Fiscal Recovery Funds.

2. **Are State Fiscal Recovery Funds subject to environmental policy requirements?**
   Yes. **Environmental, Uniform Guidance, and Other Generally Applicable Requirements (Final Rule)**

   Treasury cautions that all projects using SLFRF funds must comply with applicable federal, state, and local law. In the case of capital expenditures in particular, this includes environmental and permitting laws and regulations. Likewise, all capital expenditure projects using the SLFRF funds must be completed in a manner that is technically sound, meaning that it must meet design and construction methods and use materials that are approved, codified, recognized, fall under standard or acceptable levels of practice, or otherwise are determined to be generally acceptable by the design and construction industry. Further, as with all other uses of funds under the SLFRF program, the Uniform Guidance found in 2 C.F.R. § 200 applies to capital expenditures unless stated otherwise. Importantly, this includes 2 C.F.R. § 200 Subpart D on post-federal award requirements, including property standards pertaining to insurance coverage, real property, and equipment; procurement standards; subrecipient monitoring and management; and record retention and access.

3. **Does Section 106 of the National Historic Preservation Act (NHPA) apply to projects funded with SLFRF funds? (Updated Treasury FAQ 6.20)**
   Section 106 of the NHPA does not apply to Treasury's administration of SLFRF funds, including funds expended under the revenue loss, public health and negative economic impacts, and water, sewer, and broadband infrastructure eligible use categories. Projects supported with payments from the funds may still be subject to Section 106 of the NHPA if they involve participation from other federal agencies, including funding from other federal financial assistance programs, or are subject to receipt of approvals from other federal agencies.

   Consultation with DCA/Historic Preservation Division is only required if there is additional federal involvement beyond the ARPA SLFRF funding.

4. **What are the requirements applicable for environmental review and historic preservation?**
   The State Environmental Review Process (SERP) under the Environmental Protection Division is applicable to these projects. More information on ARPA State Fiscal Recovery Funds SERP process for water/sewer infrastructure projects can be found here.

   It is the responsibility of each Recipient of a broadband infrastructure project awardto consult

with the Georgia Environmental Protective Division regarding the environmental impacts of their project, if any. Additional information on this process can be found in a webinar published under the webinars and tutorial section of the For Grantees website.

It is the responsibility of the subrecipient to consult with the appropriate state office with regards to the project's impact, where applicable, and any necessary environmental review. Please note that consultation with the appropriate office needs to be completed prior to beginning any activities for projects that have not begun. Grantees will be required to submit environmental review documentation prior to any payment request submissions. No costs for construction or installation on projects requiring SERP may be submitted prior to submission of the SERP documentation. Projects may only submit for engineering and material costs prior to the SERP documentation.

5. **Will I have to submit documentation resulting from the environmental review process or historic preservation process to the Office of Planning and Budget?**

   Yes, subrecipients must upload all environmental review documentation in the portal when submitting payment requests. The following documents will be required as uploads under the Environmental Review Process category before any payments will be paid to grantees:

   - Cost effectiveness analysis, where applicable
   - Environmental Information Document, Categorical Exclusion, Notice of No Significant Impact
     - Categorical exclusions are granted by the state for projects that do not individually or cumulatively have a significant environmental effect on the quality of the human environment.
     - Notice of No Significant Impact
     - The entire SERP is outlined on EPD's website here for the issuance of a CE or NONSI. Please note that while the EIS process has not been included here and is less common than CEs and NONSIs, it remains a possible outcome.
   - DCA/Historic Preservation Division's response letter to the project with regard to NHPA Section 106, where applicable (only applicable for projects with participation from other federal agencies where NHPA Section 106 applies)

Reporting

1. **What reporting is required?**
   Grantees must complete the mandatory reporting survey for the following quarters to fulfill the reporting requirements placed upon the State of Georgia by the United States Department of the Treasury. Awardees should prepare these reports after signing the terms and conditions agreement to ensure the information is available for timely reporting by the 15th of each month following each quarter.

Quarter 1: January-March (Due April 15th)
Quarter 2: April-June (Due June 15th)
Quarter 3: July-September (Due October 15th)
Quarter 4: October-December (Due January 15th)

It is the subrecipient's responsibility to submit accurate and timely reports. Subrecipients who coordinate with contractors or subawards for reporting must establish a regular reporting framework to ensure the information is regularly available to the subrecipient for reporting purposes. It is crucial that your account contacts remain up to date to ensure that the reports are sent to the appropriate authorized representative. You may update an authorized user within the organizational profile in Georgia Grants or you may fill out this form. Additionally, we encourage all subrecipients to work with your Information Technology (IT) department to whitelist *@opb.georgia.gov and grantcare_mgr@opb.georgia.gov email addresses. Please note, emails may come from our third-party auditor as well.

2. **If my Point of contact (POC) on the Grant Care portal is outdated and the new primary role has no access to the quarterly reporting form, how do I request a recovery email?**
The primary POC listed on your award will also be your reporting contact. Because the two web-based platforms used for grant management and reporting are completely separate, we request that grantees keep their portal accounts up to date with Primary Point of Contact information. Please note that once those updates are made in the portal, they are not automatically and instantly updated in the Apply platform. Those changes are made by OPB staff members so if you have any updates to contacts and have not changed your reporting contact, you may email it to grants@opb.Georgia.gov.

   If this contact is no longer valid or you wish to change this, there are two ways for you to update this:
   - Users with a GeorgiaGrants portal account can modify users within the portal. Please see page 30 of the portal guide for detailed instructions.
   - If your organization needs to designate an authorized user and you do not have an existing user in the system, you can complete our Authorized User Designation Form located on our For Grantees website.

3. **Are there any extensions offered on filling out the survey?**
Failure to complete the required survey by the deadline will result in your account being placed in “non-compliance” status and will interrupt service to your account. During a period of non-compliance, you will be unable to receive reimbursements for any pending or future payment requests until the survey is complete. Once the survey is complete, access to the Grants Portal will be restored. However, OPB will note each time your organization is placed in

"non-compliance" status, and repeated failure to comply with this requirement may result in further enforcement actions for non-compliance by OPB.

4. **Where can I find technical assistance or training on quarterly reporting?**
   Grantees can email grants@opb.georgia.gov to schedule technical assistance at any time. Additionally, training webinars for quarterly reporting can be found here.

Miscellaneous

1. **What is the identifying number for SEFA purposes?**
   The federal award number will be used to identify the grant. For State Fiscal Recovery Funds, this number is SLT-1189.

2. **What is the CFDA for State Fiscal Recovery Funds?**
   21.027

3. **I have received a notification that I was awarded. What happens next?**
   OPB's post-award process is outlined on the *For Grantees* webpage. This process includes but is not limited to the following steps:
   - Sign terms and conditions grant agreement.
   - Register as a vendor with the state or validate existing bank account if already registered *Please note that your vendor forms must be processed, and a number and location returned to OPB after submitting them. This process takes approximately 4-6 weeks.*
   - All awards made under a competitive application process must submit a final budget for approval. Other award budgets or project proposals vary per program

   Awardees can find out more about the post award process by visiting the For Grantees website.

4. **How long do grantees have to use their awarded funds?**
   While under the SLFRF program, recipients (the state of Georgia) must obligate all funds by December 31, 2024, and expend funds by December 31, 2026, (subawards made), the project period for your specific award will be outlined in your terms and conditions agreement. Each project period will vary per grant program. Please check your terms and conditions agreement for the program dates or contact our office at grants@opb.georgia.gov.

5. **What is the timeframe for award acceptance for State Fiscal Recovery Funds?**
   All grantees will have 60 days to sign the terms and conditions grant agreement for their award. After 60 days, the agreement expires. All awards that require a final budget submission should submit the budget to OPB for approval within 90 days of signing terms and conditions. .

6. **How do I ensure that the terms and conditions agreement for my award is sent to the correct point of contact?**

An agreement outlining the terms of your award called the Terms and Conditions will be sent to the authorized official designated by your organization or listed on your application in the weeks following theaward announcement. The terms and conditions email will come from adobesign@adobesign.com. Please do not forward this email as it will not capture the signature correctly. To delegate the terms and conditions to the appropriate user, please refer to our video on how to delegate the agreement here.

Please note that this email tends to get caught in spam filters so please search your inbox for the echo sign email address and reach out to us at grants@opb.georgia.gov if you have any questions on receiving the terms and conditions agreement.

7. **My award is not showing up in the portal.**
   If your award is not showing up in the portal, please ensure you have signed the terms and conditions, have registered as a vendor with the State, and have submitted an approved final budget. Our post-award steps can be on our For Grantees website.

8. **How do I update the point of contact for my award?**
   Users with a GeorgiaGrants portal account can modify users within the portal. Please see page 30 of the portal guide for detailed instructions.

   If your Organization needs to designate an authorized user and you do not have an existing user in the system, you can complete our Authorized User Designation Form located on our For Grantees website.

9. **Are match funds subject to the restrictions of the Interim Final Rule or Final Rule?**
   Match funding is subject to whatever separate terms it was received under and is not subject to the restrictions of either the Interim Final Rule or the Final Rule.

10. **Can a subrecipient request a waiver to the pass-through entity, the Office of Planning and Budget, for 2 C.F.R. § 200 Subpart D, Competitive Procurement?**
    Under the assistance listing for Coronavirus State and Fiscal Recovery Funds, Treasury has excluded 2 C.F.R. § 200.320(c)(4) (noncompetitive procurement) that would otherwise allow the federal awarding agency or pass-through entity to authorize a noncompetitive procurement in response to a written request from the non-Federal entity.

    "For 2 C.F.R. § 200, Subpart D, the following provisions do not apply to the SLFRF program: C.F.R. § 200.305 (b)(8) and (9) (Federal Payment); 2 C.F.R. § 200.308 (revision of budget or program plan); 2 C.F.R. § 200.309 (modifications to period of performance); and **2 C.F.R. § 200.320(c)(4) (noncompetitive procurement)**"

11. **Does the Davis Bacon Prevailing Wage requirement apply to projects funded with State Fiscal Recovery Funds?**

The U.S. Department of the Treasury includes the following Davis Bacon Act and labor related requirements in its Compliance and Reporting Guidance to non-Federal entities. The information below is an extraction only. The full Compliance and Reporting Guidance can be found here: SLFRF-Compliance-and-Reporting-Guidance. Please note that Davis Bacon requirements for other ARPA programs such as Capital Projects Funds differ with regard to the thresholds. ***Please consult your award requirements for projects outside of State Fiscal Recovery Funds for specific program requirements.***

"For projects over $10 million (based on expected total cost): A recipient may provide a certification that, for the relevant project, all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of Chapter 31 of Title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing- wage-in-construction law (commonly known as "baby Davis- Bacon Acts"). If such certification is not provided, a recipient must provide a project employment and local impact report detailing:

- The number of employees of contractors and sub-contractors working on the project;
- The number of employees on the project hired directly and hired through a third party;
- The wages and benefits of workers on the project by classification; and
- Whether those wages are at rates less than those prevailing. Recipients must maintain sufficient records to substantiate this information upon request."

To this end, subrecipients have two options for the quarterly reporting to comply with this requirement:

- Certify compliance with Davis Bacon and implement processes and controls to collect required payroll records and contractor / subcontractor certifications during the project; or
- Provide a Project Employment and Local Impact Report.

[i] Modified reimbursement method is applicable only to water/sewer and broadband infrastructure projects. All other awards will be reimbursement based.